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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-second session

SUMMARY RECORD OF THE 1249th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 March 1998, at 10 a.m.

Chairman: Mr. ABOUL-NASR

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Initial report of Switzerland (CERD/C/270/Add.1; HRI/CORE/1/Add.29) (continued)

1. At the invitation of the Chairman, the delegation of Switzerland resumed their places at the Committee table.

2. Mr. YUTZIS referred back to paragraph 56 of the report which gave a very realistic summary of the question of accepting, admitting and integrating foreigners. Throughout history, foreigners had been regarded as a threat and Switzerland was no exception in that regard. Racial factors did not seem to be behind Switzerland's "three circle" immigration policy, which nevertheless created discrimination because it was based on differentiation, and it was well known that it did not take much for the idea of difference between peoples to create feelings of superiority. Further thought should be given to that issue.

3. Paragraphs 57 and 58 of the report also needed to be looked at since they showed how difficult it was to make a clear distinction between the private and public sectors. Discrimination was clearly prohibited in the latter but not in the former which was one of relationships between individuals. The problem of ensuring respect for the principle of non-discrimination in the employer-employee relationship, which cropped up in both sectors, clearly illustrated the difficulties that arose.

4. Referring to the sentence in paragraph 56 that read: "However, the Federal Council is convinced that Switzerland, like most other countries with above-average economic development, must in principle maintain its restrictive policy towards the admission of foreigners to the increasingly specialized Swiss labour market", he noted that the problem would become increasingly linked to that of employment. Unemployment was rising steadily throughout the world and it was highly unlikely that the trend was going to be reversed for some time. That raised the question of protecting the most vulnerable people. If it was a given that the State did not want to, could not or should not intervene, it would be up to the market to sort things out. Was it conceivable that the Market would provide that protection? Since the globalization of the economy would certainly lead to increasingly restrictive employment policies, the problem would no longer be of a strictly domestic nature but international, and he cautioned against excessive realism in policies that could make suffering and injustice an everyday feature of life.

5. Mr. SHAHI said that the "three circle" model that had been introduced to regulate immigration was not only in contravention of articles 1 and 2 of the Convention, but also seemed to be at variance with article 4 of the Constitution of Switzerland, which guaranteed equality and prohibited preferential treatment for certain categories of persons. It was quite understandable that Switzerland should need protective measures but the "three circle" model should be replaced.

6. He noted that Switzerland had tried to implement article 4, paragraphs (a) and (c), but with regard to paragraph (b) he asked whether it had the wherewithal to combat racist propaganda which could be circulated on the Internet.

7. Mrs. SADIQ ALI was concerned at the situation of the small Rhaeto-Romansch population which was listed among linguistic minorities. She asked to what extent it participated in power-sharing, whether it was represented in federal, cantonal or communal bodies and what the State was doing to help it.

8. Mr. HELD (Switzerland), Vice-Director of the Directorate for Public International Law in the Federal Department for Foreign Affairs, recalled the measures that the Government of Switzerland had taken to implement the Convention. They included, as Mr. van Boven had emphasized, the establishment of the Federal Commission against Racism, which was responsible for preventing acts of racism, and the promulgation of article 261 bis of the Penal Code on the punishment of such acts, as well as initiatives to ensure the integration of foreigners, efforts to train police forces and the establishment of a foundation for Swiss travellers.

9. He denied the allegations that Switzerland occasionally took refuge behind its federal system in order to shirk its obligations. That was not the case. It was true, however, that a system of that nature was rather cumbersome and took a long time to achieve objectives.

10. With regard to the delicate problem of guaranteeing equality of treatment in the private and public sectors, the Committee had suggested the adoption of a general legislative instrument that would govern relations between individuals, but in point of fact it was the courts that were supposed to play a major role in clarifying such matters by their interpretation of article 261 bis, paragraph 5, of the Penal Code.

11. He was not in a position to reply to the questions concerning the possible withdrawal of the reservation to article 2, paragraph 1 (a) of the Convention - which the abandonment of the "three circle" model would make possible - since the relevant legislation had not yet been promulgated.

12. The Committee had also asked whether the Swiss State intended to make the declaration under article 14 of the Convention. He explained that the kind of complaint covered by that article was accepted under the Swiss foreign policy programme for the 1990s but that as yet Switzerland had too little experience with the operation of the Convention to make the declaration in the near future.

13. He had carefully noted Mr. van Boven's appeal on behalf of the persons from Kosovo who could be sent back to their country. He explained that they were asylum seekers who had been processed in accordance with applicable norms, and particularly those in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He added that

since the violence in Kosovo had not become widespread, the re-admission agreement that had been signed with Yugoslavia was still valid. However, Switzerland was closely following developments in Kosovo.

14. Mr. WYSS (Switzerland), from the Federal Office for Justice, referring to the suggestion that Switzerland should adopt detailed legislation on non-discrimination, explained that when the matter had been put to the cantons, most of them had come out against the idea because they had felt it was unnecessary. However, there was full agreement that the principle of non-discrimination should be respected and protected, even in relations between individuals. For that reason, article 261 bis, paragraph 5, of the Penal Code criminalized acts that violated the rights set forth in article 5 (f) of the Convention. Furthermore, the importance attached to human rights, such as those guaranteed by the Convention, influenced relations between individuals insofar as, for example, the discretionary power to assume or avoid contractual obligations could thereby be limited. In that regard, article 31, paragraph 3, of the draft revised constitution expressly stated that human rights had to be respected in private life and that State authorities were obliged to adopt positive legislative, judicial and administrative measures to that effect. The draft was before Parliament and would probably be voted on in 1999. As the Committee could see from paragraph 37 of the initial report (CERD/C/270/Add.1), article 7 specifically prohibited discrimination. The fact that Switzerland ensured implementation of the principle of non-discrimination, including in private life, despite the absence of specific legislative provisions on the subject was illustrated by the punishment of an employee who had used his office equipment to send blatantly racist messages.

15. Moving on to the question of Switzerland's reservations to article 4 of the Convention, he said that they reflected the decision - of Parliament in particular, as the body that was competent to approve a reservation - to leave it up to the authorities to strike a balance between the various freedoms guaranteed in international and regional human rights instruments. It was for the courts to make the distinction between an admissible public speech and an inadmissible racist statement on the basis of case law and the relevant recommendations of international standard-setting bodies. As the Federal Council had stressed on several occasions, some cases had nothing to do with freedom of opinion or speech, and no legal protection of any kind could be given to statements that clearly violated the basic right to human dignity. Switzerland's reservation merely attached greater importance to the expression "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention" in article 4 of the Convention.

16. Mr. von KESSEL (Switzerland), from the Federal Office for Justice, pointed out that article 261 bis of the Penal Code did not refer to national origin for fear that the expression could be misunderstood, inter alia, with regard to provisions on acquiring Swiss nationality. Furthermore, Alexandre Guyaz in his book L'incrimination de la discrimination raciale (1996) stressed that national origin was a relatively vague concept was remarkably close to that of ethnic origin. Nevertheless, legislators did not dismiss other aspects which were covered by the generic expression "ethnic identity".

17. He explained that the fact that article 261 bis was included under Title 12 of the Penal Code on crimes or offences against public order certainly did not mean that public order was the only area it protected. Under article 261 bis, public order could be threatened if the human dignity of a group of individuals was violated. Therefore, the criterion of human dignity was the best gauge of whether an act or a statement violated article 261 bis.

18. Switzerland had entered a reservation to article 4 (b) of the Convention because it had felt that making membership of a racist organization a criminal offence was tantamount to believing that anyone who wanted to join that kind of organization knew beforehand that it was unlawful and was aware that joining it would leave him or her open to criminal proceedings. That would have violated the basic principle of freedom of association.

19. Some States investigated organizations that were being set up. Swiss law did not provide for that kind of action. Non-profit-making organizations acquired legal personality simply by registering their statutes.

20. Furthermore, prior investigation would be regarded not only as anti-constitutional, but would probably do nothing to prevent the establishment of racist organizations. The real aims of an organization were in many cases not obvious from its statutes. Similarly, someone who wanted to join an association could hardly be expected to know what its goals were before joining.

21. Mr. HELD (Switzerland) emphasized that the aim of article 261 bis was both to protect human dignity and maintain public order.

22. Mr. WYSS (Switzerland) explained that legislation provided for various ways for victims of racist attacks to seek redress. Very few such cases were recorded and there was little case law on the subject. Nevertheless, a person who had hurled racist epithets at a police officer in the canton of Zurich had recently been ordered to pay the victim 1,000 Swiss francs.

23. Mr. ROHNER (Switzerland), Head of the Labour Force and Immigration Section of the Federal Office for Foreigners, admitted that the Swiss immigration policy - the "three circle" policy - posed many problems in terms of the Convention, and in his view the Government of the day had not realized its racist implications in practice. He added that, in 1996, 47 per cent of foreigners who had entered Switzerland were nationals of countries in the outer circle.

24. The Government was now concentrating on the speediest possible implementation of a new Foreigners Act, which would replace the existing Act dating back to 1931 and which was based on whether candidates qualified for immigration and not on the country from which they came. Nevertheless, for the time being it was not possible to say for certain that the Government would withdraw its reservation.

25. Once foreigners had been admitted legally to Switzerland, they were treated on a footing of equality in respect of the right to purchase, sell and rent property; the right to change their place of residence or canton; the

right to individual, occupational or geographical mobility; the right to conclude a labour contract or to be covered by a collective agreement; the right to family reunion; access to schools and universities; the right to social security including unemployment benefits; and the right of access to the courts.

26. Mr. DIEFFENBACHER (Switzerland), Head of the Legal Department of the Federal Office for Foreigners, said that, in general, the police had to ensure respect for laws and edicts. They also had to make sure that foreigners had the necessary permits and, in particular, to curb moonlighting. Since police officers needed accurate information to be able to do their duty, they had direct access to the Central Register of Foreigners and the register of the Federal Office for Refugees. There were clear guidelines on electronic access which was confined strictly to the data needed.

27. He emphasized that the Central Register of Foreigners was intended to rationalize the work of the police authorities, ensure that the inspections provided for by law could be carried out, compile statistics on foreigners and, in certain cases, pave the way for administrative assistance. The system was to the advantage of foreigners in that it enabled them to prove their status easily. It went without saying that the police had to respect the rights of the people they checked and to keep to the letter of the law.

28. There were various kinds of residence permit for foreigners: the permit pending asylum procedures; temporary admission permits; seasonal permits; short-term residence permits; annual permits and establishment permits. Over 70 per cent of foreigners had an open-ended establishment permit. He stressed that there were plans to simplify legislation on the various kinds of permits.

29. With regard to detention pending a decision on refugee or asylum status and detention prior to refoulement, foreigners could not be detained simply because they were not in possession of a residence or establishment permit. Persons could be detained if they refused to reveal their identity; submitted various requests for asylum using different identities or failed to answer an official summons on several occasions for no good reason; seriously endangered the life or physical integrity of other persons; or were suspected of trying to elude refoulement. The practices of cantonal authorities were monitored by the Federal Tribunal. He added that, the observations and recommendations of the Committee against Torture had been passed on to the competent authorities.

30. Mr. VOEFFRAY (Switzerland), from the Directorate for Public International Law of the Federal Department of Foreign Affairs, recalled, with regard to the naturalization of young foreigners, that the corresponding draft constitutional amendment had not been endorsed at the federal level since most of the cantons had voted against it, but that all the cantons that had voted in favour of it in 1994 had revised their legislation on naturalization. However, there were plans to revive the draft amendment at the federal level in the spring. Under the amendment, young third-generation foreigners and stateless persons would acquire Swiss nationality at birth and young second-generation foreigners could apply for naturalization earlier than under existing legislation.

31. He explained that in Switzerland people spoke of cultural rather than ethnic minorities. The "people of the road" were considered to be a minority of that nature. The Government had not yet ratified the Framework Convention for the Protection of National Minorities.

32. Traditional minorities, namely, people who spoke Italian and Rhaeto-Romansch, considered themselves to be national and not ethnic minorities. Some 30,000 spoke Rhaeto-Romansch and five different kinds of Rhaeto-Romansch were recorded in the canton of Grisons. It was difficult for such a small linguistic community to keep up the use of their language, especially in the press, without State assistance. He stressed that most of the Romansch were bilingual or even trilingual. The Federal Act on financial assistance to maintain and promote the Rhaeto-Romansch and Italian languages had been amended in 1995 to include additional measures to promote Rhaeto-Romansch. Article 116 of the Constitution had also been amended and Rhaeto-Romansch had been an official language since 1996 and could therefore, be used in connection with all administrative formalities.

33. Switzerland had ratified the European convention on European minority languages in December 1997 and on that occasion, had stated that it intended to protect Rhaeto-Romansch and Italian. The number of Rhaeto-Romansch persons who could work in the civil service was not subject to a quota at the federal level.

34. Mr. de GOUTTES thanked the delegation of Switzerland for the explanations it had provided. It was interesting to see how racism was being curbed in a country like Switzerland where federal institutions, mentioned by way of example in the teaching of constitutional law, had to ensure that local populations, in each canton, had the best possible chance to take part in public life. It had also been interesting to compare the record of a federal country with that of a centralized country. Regardless of the institutional system, racism and xenophobia were urgent problems everywhere and solutions therefore had to be found at both the international and regional levels. The Council of Europe and the European Union had both set up a commission against racism.

35. The CHAIRMAN, speaking in his capacity as a member of the Committee, endorsed that view but noted that solutions should continue to be sought at the national level too.

36. Mr. GARVALOV thanked the delegation of Switzerland for its scrupulous replies to the various questions that had been raised at the previous meeting. He wished to explain that one of his own questions had been based on his belief that the State party had already ratified the European Framework Convention for the Protection of National Minorities, when in fact it was still considering the possibility of doing so. He asked the delegation to forgive his error.

37. For the international community, Switzerland was still a model democratic society and he personally was trying to encourage the Bulgarian people to seek inspiration in the Swiss popular referendum system.

38. He had taken the explanation of Switzerland's integration policy to mean that the Swiss people had scrapped the "national origin" formula in favour of the concept of "ethnic origin", which seemed more suited to the situation in the country. No one could hold that against them because only States themselves could judge what was in their best interest. However, the statistics on page 7 of the initial report of Switzerland showed that almost 300,000 nationals of the former Yugoslavia were permanently resident in Switzerland. Obviously they did not speak any of the languages used in Switzerland but formed a large group of people with a common language. In the circumstances, was there any possibility of them being seen one day as a linguistic minority and recognized as such?

39. Mr. SHAHI said that, in the light of the information given in paragraphs 165 and 133 of the report of Switzerland, he would like to know whether measures were being taken to combat racist propaganda on the Internet. In particular, he wondered whether the dissemination of material in that way was covered by article 26 bis of the Penal Code.

40. Mr. YUTZIS welcomed the fact that Switzerland had realized the shortcomings of the "three circle" system and intended to amend it.

41. He had two more questions for the delegation of Switzerland and hoped that it would be in a position to reply to them in a future report.

42. It was common knowledge that hostile acts, and in particular arson, had been directed at foreign nationals or holding centres. He would like to know what progress had been made with the investigations being carried out, whether any verdicts had been handed down already and how many cases were still pending.

43. The other question related to the act governing labour contracts. The fact that work was not regarded as a right in Switzerland obviously posed a problem in terms of implementing article 5 of the Convention. He asked how the Swiss authorities intended to ensure that the system for granting labour contracts and the principle of equal opportunities were compatible. What exactly were the "public sectors" in which new article 261 bis of the Penal Code "will now make it possible to ensure that the prohibition against racial discrimination is respected"?

44. Mr. HELD (Switzerland) thanked Mr. de Gouttes for his remarks and an analysis that he fully endorsed.

45. Replying to Mr. Garvalov's question on whether nationals of the former Yugoslavia who were resident in Switzerland would eventually be regarded as a national minority, he stressed that it was very difficult to define the concept of "national minority". In Switzerland, the term was usually reserved for minorities possessing the nationality of the State. So his personal interpretation was that it did not appear to apply to nationals of the former Yugoslavia. Besides, they usually wanted to keep their nationality and it was therefore normal that they should come under the policy for the integration of foreigners.

46. For the moment, he was not in a position to answer Mr. Shahi's question on racist propaganda on the Internet but hoped to be able to provide the Committee with details in writing in the near future.

47. With regard to Mr. Yutzis' questions he did not have any factual data on arson attacks against foreigners. Information on that question and on combating discrimination in labour contracts would be provided in Switzerland's subsequent report.

48. Mr. van BOVEN (Country Rapporteur) applauded the spirit of cooperation that had been exhibited by the delegation of Switzerland, which had tried to provide constructive answers to the questions raised.

49. He observed that Switzerland's report was an initial report and that implementation of the Convention was a long-term process that needed to be followed closely and required constant effort. Consideration of the report had no doubt been an instructive exercise for Switzerland which would have realized, like other countries before it, that there was a long way to go and that it was necessary constantly to adapt legislation, take preventive measures, and so forth.

50. Nine main points seemed to have emerged from the discussion. First, many members of the Committee had stressed the question of discrimination in the private sector, which was not being dealt with adequately. Provisions to guarantee respect for equality between men and women were a good beginning but further efforts were needed. Switzerland had provided replies on the implementation of article 4 but not on the application of articles 2 (d) or 5 of the Convention.

51. With regard to the treatment of foreigners, the fact that Switzerland was calling into question the "three circle" system was a step forward but the process had to be speeded up. Several members of the Committee had stressed that the Convention authorized countries to make a distinction between foreigners and their own nationals, but that it did not permit them to make distinctions between different "categories" of foreigners.

52. The third point concerned the role of the police. The efforts made to train law enforcement officials were commendable but it was worrying that the "foreigners' police" apparently wielded extensive powers and was practically beyond any judicial control. The Committee had to remain vigilant in that regard.

53. One further issue that the Committee would continue to follow closely concerned the compensation paid to minorities, particularly the "Jenisch" minority and other nomadic populations such as the Sinti or the Roma. The Committee had welcomed the fact that a special fund had been set up for that purpose.

54. In the same vein, Switzerland should in future provide more details on the practical implementation of articles 4 and 6 of the Convention and, in particular, on cases of discrimination that were before the courts and the kinds of compensation envisaged.

55. One question to which Switzerland had failed to reply concerned participation in the voluntary fund for assistance to victims of racism which was to be created in the framework of the Decade to Combat Racism and Racial Discrimination. Did the Government also intend to strengthen administrative and technical support for the Federal Commission against Racism and subsidize certain institutions or organizations that played an important role in that area at the national level?

56. Having heard the delegation's explanations concerning article 14, he felt that Switzerland would be ready to accept the article and make the corresponding declaration once it was more sure of the Committee's impartiality. Obviously, such confidence would only come with time and experience. The existing procedure under the European Convention on Human Rights could provide an interesting point of reference in that regard but it should be recalled that that Convention's provisions on non-discrimination were very limited.

57. Finally, the members of the Committee hoped that the provisions of the Swiss Penal Code, and article 261 bis in particular, would be applied more systematically to punish acts intended to deny, minimize or justify genocide or other crimes against humanity.

58. Since implementation of the Convention was a matter for all segments of society without exception, Switzerland should publish and widely disseminate its report and the Committee's conclusions.

59. The CHAIRMAN, speaking in his capacity as a member of the Committee, wholeheartedly endorsed Mr. van Boven's remarks on the distinction made in Switzerland between various "categories" of foreigners. He himself had had an unfortunate experience at Geneva airport where the time it took to pass through passport control varied enormously according to whether a person was from a European country or another foreign country.

60. In conclusion, he thanked the delegation of Switzerland for its exemplary cooperation and the quality of its oral explanations.

61. The delegation of Switzerland withdrew.

The meeting was suspended at 12.10 p.m. and resumed at 12.20 p.m.

Review of the implementation of the Convention in the Congo

62. Mrs. SADIQ ALI (Country Rapporteur), recalling that the Congo had not submitted a report to the Committee on its implementation of the Convention, made a general presentation using geographical, economic, political, demographic and ethnic data concerning the Congo.

63. The population of the Congo, which had been put at 2.5 million inhabitants in 1994, was made up of several large ethnic groups: the Vili, the Kongo, the Teke, the Kikongo, the Sangha, the Bakongo and the M'boshi. French was the official language and the main vernaculars were Teke, Monokituba and Lingala.

64. Since the Pygmies were usually dependent on dominant Bantu groups, she said it would be interesting to know whether any specific action had been taken to protect their rights.

65. The Congo was experiencing rapid urban growth accompanied by a pronounced exodus from rural areas, which made it difficult to supply towns with food and led to a steady increase in agricultural imports. The country depended to a great extent on proceeds from petroleum production, the level of which had made it impossible for the Government to pay the salaries of civil servants on a regular basis and provide scholarships in recent years, thereby fuelling protests by trade unions. The Congo's recent political history had, since 1992, been characterized by extreme instability. Since 1992, when the Constitution had been revised for the sixth time and Marxism-Leninism abandoned as the official ideology, the Congo had been racked by numerous clashes between various political factions that had been created along largely ethnic lines. The election by universal suffrage in August 1992 of Pascal Lissouba, successor to General Sassou Nguesso, had failed to bring about a peaceful solution to the conflicts between politico-ethnic groups. After the first outbreak of civil war in 1993 between armed militia that were linked to those groups and a bloody four-month war, General Sassou Nguesso returned to power by force at the end of 1997, with the help of Angolan forces.

66. The Security Council had condemned all foreign intervention in the Republic of the Congo, although it had been unable to decide on a firm plan of action to restore peace and stability in the country.

67. In view of the general situation in the Congo, it was difficult to say how the International Convention on the Elimination of All Forms of Racial Discrimination was being implemented there.

68. The CHAIRMAN said that consideration of the implementation of the Convention in the Congo was confusing for the Committee. Without a report or information from the Congolese authorities, the Committee could only really rely on the core document that the State party had submitted to the United Nations Secretariat. Unfortunately, the document was now of doubtful value given the chaotic situation on the ground. Furthermore, the Committee's secretariat had been unable to contact a diplomatic representative of the State party in Geneva. In the circumstances, the Committee was loath to examine the State party report and could only really draw the attention of the General Assembly to the situation in the Congo.

69. Mr. SHAHI read out an article from the Dawn/Interpress Service on the meetings held at the beginning of January in Brazzaville (Congo) by the National Forum for Reconciliation, Unity, Democracy and Reconstruction (FNRUDR). According to the article by Mrs. Rosine Ngangoue, FNRUDR accused the former deposed President, Pascal Lissouba, and his Prime Minister, Bernard Kolélas, of genocide against the Lari-Kongo and the Bangala during the internal armed conflict in 1993 and 1997. FNRUDR also accused Parliament as a whole, and in particular Mr. Poignet, former President of the Senate, and the former President of the Assembly, Mr. Milongo, of being accomplices to genocide. The accusers demanded that they should answer for the crimes they were accused of committing.

70. The article did, however, state that FNRUDR had been organized on the initiative of Mr. Sassou Nguesso, the Congo's new de facto President. It also mentioned that, in its final report, FNRUDR had recommended that the case should be taken to an international court, such as the International Criminal Court or the Commission on Human Rights, so that they could determine who was responsible for genocide and crimes against humanity and punish the guilty parties. Furthermore, it stated that some people spoke as if Pascal Lissouba and his supporters had been the only ones responsible for the violence during the civil war that had brought two warring parties head-to-head.

71. He added that the Committee should, in its report to the General Assembly, express its deep concern at the serious human rights violations in the Congo and that the Chairman of the Committee had asked the Chairman of the Commission on Human Rights how the latter intended to deal with the situation in the Congo.

72. The CHAIRMAN said that reports of serious and systematic human rights violations, even genocide, in the Congo were extremely worrying. However, since the Committee was unable to verify the accuracy of those reports, Mrs. Sadiq Ali should continue monitoring the situation. He suggested that the Committee should wait until its next session before formulating the observations it would submit to the General Assembly.

73. It would also be useful to invite the new High Commissioner for Human Rights, Mrs. Robinson, to a working meeting at which views could be exchanged.

74. Mr. GARVALOV endorsed the Chairman's suggestions concerning consideration of the situation in the Congo and suggested that it should be discussed with the High Commissioner at the proposed meeting.

75. The CHAIRMAN felt it would be better to confine the meeting with Mrs. Robinson just to general questions of interest to the Committee. Matters concerning the Congo could be broached at a later date at another meeting.

76. Mr. de GOUTTES agreed that, in view of the seriousness of the information presented on the situation in the Congo, Mrs. Sadiq Ali should continue monitoring the situation there and that the Committee should resume its consideration of the matter at its next session in August in the light of the decision taken by the Commission on Human Rights and information that it had managed to obtain. He fully endorsed the Chairman's proposal for a working meeting with the High Commissioner for Human Rights that focused on general issues.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 6)

Consideration of the situation in Papua New Guinea

77. Mr. GARVALOV (Country Rapporteur) said that the Committee had received no information from Papua New Guinea since it had last considered the situation there in August 1997. The State party had submitted an initial report (CERD/C/100/Add.4) which the Committee had considered in 1984 and re-examined in 1992, 1993, 1994 and 1997, but since then had disregarded the

Committee's repeated requests that it should submit periodic reports and provide additional information in accordance with article 9, paragraph 1, of the Convention.

78. In view of the State party's failure to comply with its obligations under that article, the Committee should reiterate its decision 4 (51) on Papua New Guinea that had been adopted on 21 August 1997 (A/52/18, chap. II). Since the situation had been dragging on for several years, the Committee could inform Papua New Guinea of its decision through the High Commissioner for Human Rights.

79. Mr. BANTON added that Papua New Guinea would have a hard time convincing anyone that it was experiencing technical difficulties in compiling reports since one of its public officials had been trained how to do so through the advisory services of the United Nations.

80. The CHAIRMAN said that he took it that the Committee endorsed Mr. Garvalov's observations and proposed that he should be asked to draw up a draft decision on the situation in Papua New Guinea with regard to the submission of reports.

81. It was so decided.

The meeting rose at 12.55 p.m.